

SENATE JOINT RESOLUTION 636

By Kurita

A RESOLUTION relative to the eligibility of military families for participation in federal health and social service programs.

WHEREAS, thousands of brave men and women in the United States armed forces have sacrificed their personal concerns and left their families at home to serve overseas in Iraq, Afghanistan, and other war torn lands across the globe; and

WHEREAS, we owe these courageous men and women not only our most sincere thanks, but also our continued liberty as Americans; in their absence, we, in the form of the federal government, should do our utmost to protect and nurture the families they have left behind; and

WHEREAS, when U.S. military personnel are deployed overseas they become eligible for several types of incentive pay, which are commonly referred to as "combat pay" or "special duty pay"; in the terminology of the federal government, these types of incentive pay are broken down into several categories, the most common being hardship duty pay (HDP/Save Pay), hostile fire pay/imminent danger pay (HFP/IDP), special duty assignment pay (SDAP), and family separation pay (FSH); and

WHEREAS, it has come to our attention that federal health and social service programs (including, but not limited to, the Special Supplemental Nutritional Program for Women, Infants and Children [WIC], the United States Department of Agriculture's Food Stamp Program, the National School Lunch Program, the National School Breakfast Program, the Special School Milk Program, and the U.S. military's Family Subsistence Supplemental Allowance (FSSA), which pays for food for military families as the Basic Allowance for Subsistence (BAS) entitlement pays for food for soldiers) include a deployed soldier's special duty pay as part of his or her household's gross earned income for purposes of determining program eligibility; and

WHEREAS, these inequitable eligibility parameters have created an environment in which a military family losing eligibility for the aforementioned federal health and social service programs due to a member of the household being deployed overseas, and thus receiving special duty pay, is a somewhat common occurrence; and

WHEREAS, the illogic utilized in determining the eligibility of military families for participation in such federal health and social service programs has resulted in an untenable situation in which soldiers are being penalized twice (once for being deployed overseas and once for earning special duty pay) for bravely serving their country; and

WHEREAS, another associated inequity exists in that some of the aforementioned federal programs may not permit a soldier who has been deployed overseas to be counted as part of his or her household, but still include the soldier's income, including special duty pay, as part of his or her household's gross earned income for eligibility purposes, thus creating another double penalty against soldiers who are risking their lives in defense of our nation and our quality of life; and

WHEREAS, another breach of the basic principles of fairness exists in the eligibility parameters for the USDA's Food Stamp Program; and

WHEREAS, unlike some other federal health and social service programs, the Food Stamp Program, in most instances, includes the Basic Allowance for Housing (BAH) as part of a military family's gross earned income in determining eligibility to receive food stamps; this requirement is particularly unfair at Fort Campbell, where all on post housing was privatized effective December 1, 2003, and the BAH in effect became a mandatory component of a military family's gross earned income, even though this form of entitlement actually represents pass through money in which the federal government reimburses the military family for paying their rent on-post, instead of directly providing on-post housing for the family; and

WHEREAS, because the courageous men and women of our armed forces are giving their all for all of us, these disturbing inequities should be rectified as soon as possible by the federal government; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES

CONCURRING, that this General Assembly hereby urges President Bush and the United States Congress to immediately determine the adverse impact that the eligibility parameters dictating participation in federal health and social service programs (including, but not limited to, the Special Supplemental Nutritional Program for Women, Infants, and Children [WIC], the United States Department of Agriculture's Food Stamp Program, the National School Lunch Program, the National School Breakfast Program, the Special School Milk Program, and the U.S. military's Family Subsistence Supplemental Allowance [FSSA]) have on our military families whose loved ones have been deployed to a foreign land in defense of this country.

BE IT FURTHER RESOLVED, that it is the sense of this General Assembly that, to the extent possible, federal policies and laws should be amended to exempt all additional income, including special duty or combat pay and other forms of entitlement or incentive pay that military families receive when a household member is deployed overseas, from the determination of eligibility for participation in federal health and social service programs.

BE IT FURTHER RESOLVED, that it is the sense of this General Assembly that eligibility parameters for all federal health and social service programs should continue to count a deployed soldier as a member of his or her household for determination of family size as such determination relates to eligibility for participation in such program.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Honorable George W. Bush, President of the United States; the President and the Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and each member of Tennessee's congressional delegation.